

REMARKS

Claims 1-9 of the present application remain pending. Claims 1-9 are rejected. Applicant respectfully requests further examination and reconsideration of the rejections based on the arguments set forth below.

Claim Rejections – 35 U.S.C. §112

Claims 1-9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the rejection states that the phrase “ligneous material” is not understood.

Applicant respectfully directs the Examiner to the Merriam-Webster Online Dictionary definition of the term “ligneous” (found here: <http://www.m-w.com/dictionary/ligneous>): of or resembling wood. Applicant respectfully submits that ligneous materials are well known to those of ordinary skill in the art in accordance with the definition provided.

Claim Rejections - 35 U.S.C. §103

Claims 1-9 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,306,317 to Richards et al. (hereafter referred to as “Richards”). Applicant has reviewed the cited reference and respectfully submits

that the embodiments of the present invention as recited in Claims 1-9 are not rendered obvious by Richards for the following reasons.

Applicant respectfully directs the Examiner to independent Claim 1, which recites a method for fabricating fire retardant composite panels comprising (emphasis added):

creating a water-based slurry of partially soluble boron salts;
adding an adhesive to a ligneous material; and
independently introducing said water-based slurry to said ligneous material for fire retarding thereof.

Claims 2-9 depend from independent Claim 1 and recite further limitations to claimed invention.

Applicant respectfully asserts that Richards fails to suggest, teach, or describe “creating a water-based slurry of partially soluble boron salts” as recited in independent Claim 1. Accordingly, the present application discloses the creation of a water-based slurry of partially soluble boron salts (page 13, lines 1-2) providing fire retardant properties (page 13, lines 4-6).

In contrast, Applicant understands the cited portions of Richards to teach a fire-retardant composition in aqueous form (col. 1, lines 54-56), not in a slurry as claimed. Although Richards may teach a solution containing borate salts (col. 1, line 56), it does not teach a boron salt slurry as claimed. As disclosed on lines 2-4 of

page 13, Applicant discloses that the water-based slurry as claimed comprises “dissolved boron salts and suspended boron salt particles.” However, the solution taught by Richards does not have suspended particles, and therefore is not a slurry as claimed. Moreover, by teaching a fire retardant composition that is not a slurry as claimed, Richards effectively teaches away from the claimed embodiments.

Applicant respectfully asserts that Richards fails to suggest, teach, or describe “adding an adhesive to a ligneous material” and “independently introducing said water-based slurry to said ligneous material for fire retarding thereof” as recited in independent Claim 1. Accordingly, the present application discloses that “the water-based slurry is independently added to the ligneous material” (page 19, lines 8-9). Furthermore, the present application discloses that “[t]he present invention is advantageous over conventional methods in that the amount of fire retardant chemicals can be controlled independent of the amount of adhesive resin that is being used” (page 19, lines 11-13).

In contrast, Applicant understands the cited portion of Richards to teach mixing the adhesive and fire retardant composition together before applying it to the object (col. 11, lines 58-65). As such, assuming arguendo that the adhesive and fire retardant composition taught in Richards are analogous to the adhesive and water-based slurry claimed in the present application, Applicants respectfully submit that Richards fails to suggest, teach, or describe independent application of the adhesive

and water-based slurry as claimed. Moreover, by teaching that the adhesive and fire retardant composition are mixed prior to application, Richards effectively teaches away from independent application of the adhesive and water-based slurry as claimed.

For these reasons, Applicant respectfully submits that independent Claim 1 is neither anticipated nor rendered obvious by Richards. Since Claims 2-9 depend from independent Claim 1, Claims 2-9 are also not anticipated nor rendered obvious by Richards. Thus, Claims 1-9 overcome the 35 U.S.C. §103(a) rejections of record, and are therefore allowable.

CONCLUSION

Based on the arguments presented above, Applicant respectfully submits that Claims 1-9 overcome the rejections of record. Therefore, Applicant respectfully solicits allowance of these Claims.

Applicant has reviewed the following references, which were cited but not relied upon, and do not find these references to suggest, teach, or describe the present invention: US 4,801,404 and US 4,935,457.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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